

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

ZUFFA, LLC,)	
d/b/a Ultimate Fighting)	
Championship)	
Plaintiff,)	Case No. 1:17cv564
)	
v.)	
)	
FUZION CAFÉ, LLC, et al.,)	
Defendants.)	

ORDER

Plaintiff Zuffa, LLC brought this action after defendants allegedly intercepted and displayed plaintiff's satellite transmission of an Ultimate Fighting Championship broadcast on November 12, 2016, without prior authorization. Plaintiff claims defendants violated the Communications Act of 1934, codified as amended at 47 U.S.C. §§ 553 and 605, and the Copyright Act of 1976, 17 U.S.C. §§ 101 et seq, by displaying the fight for commercial purposes without a license. Plaintiff is seeking statutory damages under both Acts.

On August 28, 2017, the Clerk of Court entered default against defendants after they failed to file a responsive pleading or otherwise appear in this action. (Doc. 15.) Thereafter, plaintiff filed a motion for default judgment which was referred to Magistrate Judge Buchanan pursuant to 28 U.S.C. § 936 to issue a Report and Recommendation ("Report"). On October 4, 2017, Judge Buchanan issued her thorough and well-reasoned

Report, recommending that judgment be entered against the defendants and in favor of plaintiff in the following amounts: \$12,250.00 in damages pursuant to Section 605 of the Communications Act; \$6,000 in damages pursuant to the Copyright Act, and \$4,464.50 in attorneys' fees and costs.¹

No party filed objections within fourteen (14) days as set forth in the Report.² Because Judge Buchanan's recommendation is well-reasoned and her factual findings and legal conclusions are well-founded, she did not clearly err and therefore her Report and Recommendation (Doc. 25) is **ADOPTED** as the opinion of this Court.

Accordingly,

It is hereby by **ORDERED** that judgment is entered on behalf of plaintiff and against defendants in the following amounts:

- \$12,250.00 in statutory damages pursuant to 47 U.S.C. § 605;
- \$6,000.00 in statutory damages pursuant to the Copyright Act; and

¹ Although not explicitly mentioned in Judge Buchanan's Report, it is well-established that a plaintiff may recover statutory damages under both the Copyright Act and Communications Act for a single wrongful act. *Cable/Home Commc'n Corp. v. Network Prods., Inc.*, 902 F.2d 829, 852 (11th Cir. 1990) (permitting award of statutory damages under both the Copyright Act and Communications Act); *KingVision Pay-Per-View, Corp. v. Las Cazuelas Mexican Rest.*, No. 99 CIV. 10041 CSH, 2000 WL 264004, at *2 (S.D.N.Y. Mar. 9, 2000) (awarding \$150,000 pursuant to the Communications Act, and \$100,000 pursuant to the Copyright Act against the defendant restaurant for displaying paid programming without authorization); *Spencer Promotions, Inc. v. 5th Quarter Enterprises Inc.*, No. C-94-0988 CW, 1996 WL 438789, at *8 (N.D. Cal. Feb. 21, 1996) ("Plaintiffs are entitled to an award of enhanced statutory damages under both the Cable Communications Act and the Copyright Act.")

² "[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

- \$4,464.50 in attorneys' fees and costs.

The Clerk of the Court is directed to enter final judgment in accordance with this Order, and to place this matter among the ended causes.

Alexandria, Virginia
October 23, 2017



T. S. Ellis, III
United States District Judge